

EXHIBIT H

May 5, 2020

VIA UPS & EMAIL

Alexa Cohn
BOTA Backpack
275 South Maple Avenue
South San Francisco, California 94080
Email: info@shopbota.com

Re: BOTA Marks

Dear Ms. Cohn,

I am an attorney in Napa, California for Delicato Vineyards.

Delicato is a family-owned and operated winery that has been in business for over 90 years. Here at Delicato, we are proud of the brands that we have built around Delicato's high-quality products, including our BOTA-branded wines. Delicato produces and sells over five million cases of the BOTA-branded wines throughout the United States each year. We have actively used our family of BOTA marks on wine since 2003. Delicato's substantial use of its BOTA-branded marks, and the high quality of the products sold under the marks, have enabled Delicato to build up significant customer recognition and goodwill in its BOTA-branded wines. More information about our BOTA-branded wines, including about BOTA BOX, BOTA BRICK, and BOTA MINI, is available at <https://www.botabox.com/global>.

We recently learned that BOTA Backpack ("BB") has started to also use the BOTA mark in connection with its products, which include hydration backpacks. We recognize that BB is a woman-owned business dedicated to socially conscious products and commend you for your company's social awareness, including your partnership with water.org on the Safe Water Campaign. Delicato shares BB's commitment to social responsibility and we take great pride in our culture of high standards, ethical integrity, and community service.

Our social responsibility includes not only our dedication to the community, but also our duty to the public to prevent any confusion as to the source of goods or services provided under our trademarks. If we allow BB to continue using the BOTA mark on its products, we would fall short of meeting our obligations. As innovators, you can appreciate the importance of Delicato's desire to maintain the integrity of its BOTA brand.

Please understand that Delicato's intent is not to disrupt your business. We noticed that your website currently shows that nearly all of the products sold by BB under the BOTA mark are currently "sold out." This presents a great opportunity for BB to rebrand its products away from the use of Delicato's BOTA mark, while minimizing any interruption to BB's business.

Delicato values the importance of socially conscious businesses like yours and we wish you continued success in your efforts using a brand that is not confusingly similar to our BOTA family of marks. We look forward to hearing from you at your earliest convenience and would appreciate a response by May 18, 2020. If you have any questions or if you would like to discuss, please contact me directly.

Best,

/Simone M. Katz-O'Neill/

Simone M. Katz-O'Neill
Office of the General Counsel

cc: Ali Razai, Partner, Knobbe Martens (via email to ali.razai@knobbe.com)

Encl.
BOTA U.S. trademark registrations

United States of America
United States Patent and Trademark Office

BOTA BOX

Reg. No. 3,519,182

Registered Oct. 21, 2008

Amended Sep. 16, 2014

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DELICATO VINEYARDS (CALIFORNIA CORPORATION)
12001 S. HIGHWAY 99
MANTECA, CA 95336

FOR: [COOKING WINE; FRUIT WINE; GRAPE WINE; KITS FOR MAKING WINE; NATURAL SPARKLING WINES; PORT WINES; RED WINE; SPARKLING FRUIT WINE; SPARKLING GRAPE WINE; SPARKLING WINES; STRAWBERRY WINE; SWEET WINES; TABLE WINES; WHITE WINE; WINE; WINE COOLERS; WINE PUNCH; WINE PUNCHES;] WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 7-18-2003; IN COMMERCE 9-15-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOX", APART FROM THE MARK AS SHOWN.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS "BOOT".

SER. NO. 77-280,313, FILED 9-14-2007.



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

BOTA

Reg. No. 4,581,650

Registered Aug. 5, 2014

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DELICATO VINEYARDS (CALIFORNIA CORPORATION)
12001 S HIGHWAY 99
MANTECA, CA 95336

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 9-0-2013; IN COMMERCE 9-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,519,182.

THE ENGLISH TRANSLATION OF "BOTA" IN THE MARK IS BOOT.

SN 86-020,682, FILED 7-26-2013.

NATALIE KENEALY, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

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Requirements in the First Ten Years*

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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United States of America
United States Patent and Trademark Office

BOTA MINI

Reg. No. 4,606,926

Registered Sep. 16, 2014

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DELICATO VINEYARDS (CALIFORNIA CORPORATION)
12001 S HIGHWAY 99
MANTECA, CA 95336

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 8-20-2013; IN COMMERCE 4-0-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,519,182.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MINI", APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF "BOTA" IN THE MARK IS "BOOT".

SN 86-020,690, FILED 7-26-2013.

NATALIE KENEALY, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

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Requirements in the First Ten Years*

What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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United States of America
United States Patent and Trademark Office

BOTA BRICK

Reg. No. 4,693,255

Registered Feb. 24, 2015

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DELICATO VINEYARDS (CALIFORNIA CORPORATION)
12001 S. HIGHWAY 99
MANTECA, CA 95336

FOR: ALCOHOLIC BEVERAGES EXCEPT BEERS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 4-2-2014; IN COMMERCE 4-2-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,519,182.

THE ENGLISH TRANSLATION OF "BOTA" IN THE MARK IS "BOOT".

SN 86-123,521, FILED 11-19-2013.

MICHAEL KEATING, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
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Requirements in the First Ten Years*

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

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NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.